

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 2/13/2014

Action Requested By:
Legal

Agenda Item Type
Resolution

Subject Matter:

Condemnation of property for Goose Creek Sewer Project.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute condemnation proceedings to acquire sanitary sewer easements and temporary construction easements for the Goose Creek Sewer Project.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 2-3-14

RESOLUTION NO. 14-_____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, a municipal corporation within the State of Alabama, as follows:

1. That in the judgment and opinion of the City Council of the City of Huntsville, it is in the public interest and necessary and expedient that the City of Huntsville acquire and/or condemn permanent, exclusive sanitary sewer easements and temporary construction easements on, over and upon the following described parcels of land, viz:

See Exhibits "A-1" through "B-2," which are attached hereto and incorporated herein, a copy of each being permanently kept on file in the Office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

A corresponding map for each parcel follows the parcel description(s) for each respective tract.

2. That the obtainment of the foregoing property is necessary for the Goose Creek Sewer Project, Project No. 6S-07-SM01, which is in the best interests of the citizens of the City of Huntsville in that the same will contribute to the health and general welfare of the citizens of Huntsville.

3. That the Mayor of the City of Huntsville, be, and he is hereby authorized, empowered and directed to cause the above described property to be appraised in accordance with Section 18-1A-21 of the Code of Alabama, as amended, to determine the amount that would constitute just compensation for its taking.

4. That the Mayor of the City of Huntsville be, and he is further authorized, empowered and directed to attempt to acquire the above described property for the City for the aforesaid purposes at a fair and reasonable price in accordance with Section 18-1A-22 of the Code of Alabama, as amended.

5. Any prior acts taken by the administration toward the acquisition of said properties and/or any other properties related to this project, pursuant to the eminent domain code, are hereby ratified.

6. That in case of failure to acquire said properties for the purposes aforesaid by purchase from the owner or owners thereof, the Mayor is hereby authorized to engage Samuel H. Givhan, Attorney at Law, and the law firm of Wilmer & Lee, P.A., to file and conduct condemnation proceedings on behalf of the City of Huntsville for the acquisition of the properties by the exercise of the right of eminent domain.

ADOPTED this the 13th day of February, 2014.

President of the City Council
City of Huntsville, Alabama

APPROVED this the 13th day of February, 2014.

Tommy Battle
Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA ()

LEGAL DESCRIPTION FOR:

COUNTY OF MADISON ()

TRACT 1 SANITARY SEWER EASEMENT

ALL THAT PART OF SECTION 6, TOWNSHIP 5 SOUTH, RANGE 2 WEST, OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, AND MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTH EAST CORNER OF SAID SECTION 6; THENCE NORTH 87 DEGREES 00 MINUTES 45 SECONDS EAST, A DISTANCE OF 303.16 FEET TO A POINT; THENCE NORTH 01 DEGREE 12 MINUTES 48 SECONDS EAST, A DISTANCE OF 1575.51 FEET TO A POINT; THENCE NORTH 78 DEGREES 37 MINUTES 43 SECONDS WEST, A DISTANCE OF 244.55 FEET TO A POINT; THENCE NORTH 33 DEGREES 30 MINUTES 07 SECONDS WEST, A DISTANCE OF 111.64 FEET TO A POINT; THENCE SOUTH 89 DEGREES 12 MINUTES 52 SECONDS WEST, A DISTANCE OF 0.41 FEET TO THE POINT OF TRUE BEGINNING OF THE HEREIN DESCRIBED TRACT.

THENCE FROM THE POINT OF TRUE BEGINNING, SOUTH 89 DEGREES 12 MINUTES 52 SECONDS WEST, A DISTANCE OF 1346.02 FEET TO A POINT ON THE EAST MARGIN OF OLD HIGHWAY NUMBER 431; THENCE ALONG THE SAID EAST MARGIN OF THE OLD HIGHWAY, NORTH 19 DEGREES 13 MINUTES 59 SECONDS EAST, A DISTANCE OF 31.93 FEET TO A POINT; THENCE LEAVING SAID MARGIN, NORTH 89 DEGREES 12 MINUTES 53 SECONDS EAST, A DISTANCE OF 1336.15 FEET TO A POINT; THENCE SOUTH 01 DEGREE 14 MINUTES 52 SECONDS WEST, A DISTANCE OF 30.01 FEET TO THE POINT OF TRUE BEGINNING AND CONTAINING 0.92 ACRES, MORE OR LESS.

jbc

01-28-14

STATE OF ALABAMA ()

LEGAL DESCRIPTION FOR:

COUNTY OF MADISON ()

TRACT 2 SANITARY SEWER EASEMENT

ALL THAT PART OF SECTION 6, TOWNSHIP 5 SOUTH, RANGE 2 WEST, OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, AND MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTH EAST CORNER OF SAID SECTION 6; THENCE NORTH 87 DEGREES 00 MINUTES 45 SECONDS EAST A DISTANCE OF 303.16 FEET TO A POINT; THENCE NORTH 01 DEGREE 12 MINUTES 48 SECONDS EAST, A DISTANCE OF 1575.51 FEET TO A POINT; THENCE NORTH 78 DEGREES 37 MINUTES 43 SECONDS WEST A DISTANCE OF 244.55 FEET TO A POINT; THENCE NORTH 33 DEGREES 30 MINUTES 07 SECONDS WEST A DISTANCE OF 111.64 FEET TO A POINT; THENCE SOUTH 89 DEGREES 12 MINUTES 52 SECONDS WEST A DISTANCE OF 1314.51 FEET TO THE POINT OF TRUE BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE FROM THE POINT OF TRUE BEGINNING, SOUTH 19 DEGREES 14 MINUTES 00 SECONDS WEST, A DISTANCE OF 187.61 FEET TO A POINT;

THENCE SOUTH 00 DEGREES 47 MINUTES 08 SECONDS EAST, A DISTANCE OF 198.50 FEET TO A POINT;

THENCE SOUTH 89 DEGREES 12 MINUTES 52 SECONDS WEST, A DISTANCE OF 30.00 FEET TO A POINT;

THENCE NORTH 00 DEGREES 47 MINUTES 08 SECONDS WEST, A DISTANCE OF 203.79 FEET TO A POINT ON THE EAST MARGIN OF OLD HIGHWAY NUMBER 431;

THENCE ALONG THE SAID EAST MARGIN OF THE OLD HIGHWAY, NORTH 19 DEGREES 14 MINUTES 00 SECONDS EAST, A DISTANCE OF 181.97 FEET TO A POINT;

THENCE LEAVING SAID MARGIN, NORTH 89 DEGREES 12 MINUTES 52 SECONDS EAST, A DISTANCE OF 31.93 FEET TO THE POINT OF TRUE BEGINNING AND CONTAINING 0.27 ACRES, MORE OR LESS.

jbc

01-28-14

STATE OF ALABAMA ()
COUNTY OF MADISON ()

LEGAL DESCRIPTION FOR:
TRACT 1 TCE

ALL THAT PART OF SECTION 6, TOWNSHIP 5 SOUTH, RANGE 2 WEST, OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, AND MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTH EAST CORNER OF SAID SECTION 6; THENCE NORTH 87 DEGREES 00 MINUTES 45 SECONDS EAST, A DISTANCE OF 303.16 FEET TO A POINT; THENCE NORTH 01 DEGREES 12 MINUTES 48 SECONDS EAST, A DISTANCE OF 1575.51 FEET TO A POINT; THENCE NORTH 78 DEGREES 37 MINUTES 43 SECONDS WEST, A DISTANCE OF 244.55 FEET TO A POINT; THENCE NORTH 33 DEGREES 30 MINUTES 07 SECONDS WEST, A DISTANCE OF 111.64 FEET TO A POINT; THENCE SOUTH 89 DEGREES 12 MINUTES 52 SECONDS WEST, A DISTANCE OF 0.41 FEET TO A POINT; THENCE NORTH 01 DEGREES 14 MINUTES 52 SECONDS EAST, A DISTANCE OF 30.01 FEET THE POINT OF TRUE BEGINNING OF THE HEREIN DESCRIBED TRACT.

THENCE SOUTH 89 DEGREES 12 MINUTES 53 SECONDS WEST, A DISTANCE OF 1336.15 FEET TO A POINT ON THE EAST MARGIN OF OLD HIGHWAY NUMBER 431;

THENCE ALONG THE SAID EAST MARGIN OF THE OLD HIGHWAY, NORTH 19 DEGREES 14 MINUTES 00 SECONDS EAST, A DISTANCE OF 31.93 FEET TO A POINT;

THENCE LEAVING SAID MARGIN, NORTH 89 DEGREES 12 MINUTES 53 SECONDS EAST, A DISTANCE OF 1326.28 FEET TO A POINT;

THENCE SOUTH 01 DEGREE 13 MINUTES 55 SECONDS WEST, A DISTANCE OF 30.02 FEET TO THE POINT OF TRUE BEGINNING AND CONTAINING 0.92 ACRES, MORE OR LESS.

STATE OF ALABAMA ()

LEGAL DESCRIPTION FOR:

COUNTY OF MADISON ()

TRACT 2 TCE

ALL THAT PART OF SECTION 6, TOWNSHIP 5 SOUTH, RANGE 2 WEST, OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, AND MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTH EAST CORNER OF SAID SECTION 6; THENCE NORTH 87 DEGREES 00 MINUTES 45 SECONDS EAST, A DISTANCE OF 303.16 FEET TO A POINT; THENCE NORTH 01 DEGREES 12 MINUTES 48 SECONDS EAST, A DISTANCE OF 1575.51 FEET TO A POINT; THENCE NORTH 78 DEGREES 37 MINUTES 43 SECONDS WEST, A DISTANCE OF 244.55 FEET TO A POINT; THENCE NORTH 33 DEGREES 30 MINUTES 07 SECONDS WEST, A DISTANCE OF 111.64 FEET TO A POINT; THENCE SOUTH 89 DEGREES 12 MINUTES 52 SECONDS WEST, A DISTANCE OF 1346.43 FEET TO A POINT THE EAST MARGIN OF OLD HIGHWAY NUMBER 431; THENCE ALONG THE SAID OLD HIGHWAY, SOUTH 19 DEGREES 14 MINUTES 00 SECONDS WEST, A DISTANCE OF 181.97 FEET TO THE POINT OF TRUE BEGINNING OF THE HEREIN DESCRIBED TRACT.

THENCE LEAVING THE SAID MARGIN, SOUTH 00 DEGREES 47 MINUTES 08 SECONDS EAST, A DISTANCE OF 203.79 FEET TO A POINT;

THENCE SOUTH 89 DEGREES 12 MINUTES 52 SECONDS WEST, A DISTANCE OF 74.25 FEET TO A POINT ON THE EAST MARGIN OF THE SAID OLD ROAD;

THENCE ALONG SAID MARGIN NORTH 19 DEGREES 14 MINUTES 00 SECONDS EAST, A DISTANCE OF 216.90 FEET TO THE POINT OF TRUE BEGINNING AND CONTAINING 0.17 ACRES OR, MORE OR LESS.

jbc

01-28-14

STATE OF ALABAMA ()
COUNTY OF MADISON ()

LEGAL DESCRIPTION FOR:
30' SS EASE EAST

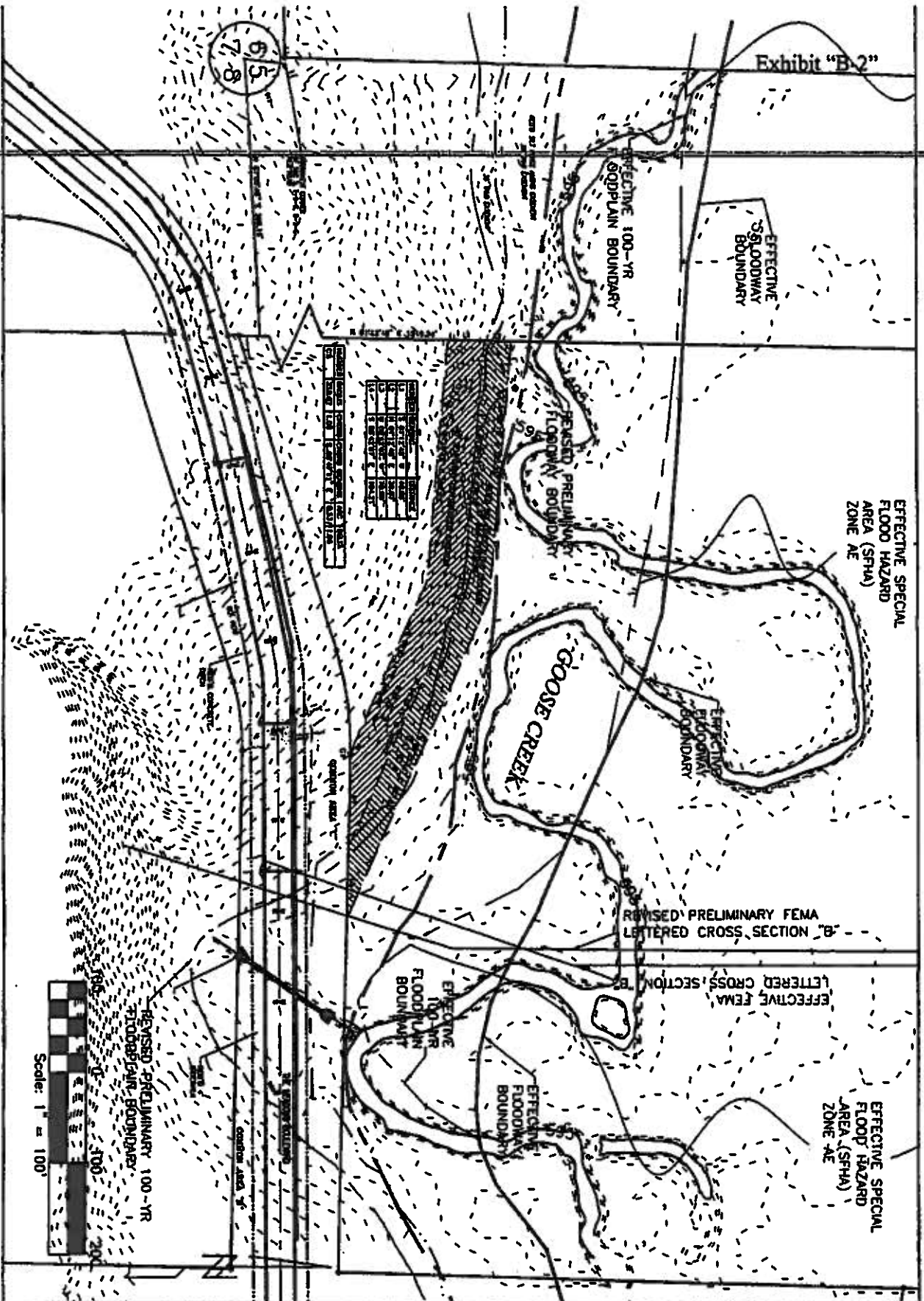
ALL THAT PART OF SECTION 5 TOWNSHIP 5 SOUTH, RANGE 2 EAST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, AND MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 5; THENCE NORTH 87 DEGREES 00 MINUTES 45 SECONDS EAST, A DISTANCE OF 303.16 FEET TO A POINT; THENCE NORTH 01 DEGREE 12 MINUTES 48 SECONDS EAST, A DISTANCE OF 1163.56 FEET TO A POINT; THENCE NORTH 01 DEGREE 27 MINUTES 37 SECONDS EAST, A DISTANCE OF 135.20 FEET TO A POINT; THENCE NORTH 01 DEGREE 10 MINUTES 34 SECONDS EAST, A DISTANCE OF 260.84 FEET TO A POINT; THENCE SOUTH 84 DEGREES 56 MINUTES 15 SECONDS EAST, 278.36 FEET TO A POINT; THENCE SOUTH 69 DEGREES 12 MINUTES 08 SECONDS EAST, 255.08 FEET TO THE POINT OF TRUE BEGINNING OF THE CENTERLINE OF THE HEREIN DESCRIBED 30 FOOT SANITARY SEWER EASEMENT;

THENCE FROM THE POINT OF TRUE BEGINNING, SOUTH 69 DEGREES 12 MINUTES 08 SECONDS EAST, 141.58 FEET TO A POINT;

THENCE SOUTH 89 DEGREES 38 MINUTES 40 SECONDS EAST, 379.54 FEET TO THE POINT OF TERMINUS OF THE 30 FOOT SANITARY SEWER EASEMENT AND CONTAINING 0.359 ACRES, MORE OR LESS.

TOGETHETER WITH A TEMPORARY CONSTRUCTION EASEMENT OFFSET TO THE LEFT OF DESCRIBED CENTERLINE 115.00 FEET AND CONTAINING 1.324 ACRES, MORE OR LESS.

Exhibit "B-2"



NO.	DATE	DESCRIPTION
1	10/1/03	PRELIMINARY
2	10/1/03	REVISED
3	10/1/03	REVISED
4	10/1/03	REVISED
5	10/1/03	REVISED
6	10/1/03	REVISED
7	10/1/03	REVISED
8	10/1/03	REVISED
9	10/1/03	REVISED
10	10/1/03	REVISED

<p>CLIENT</p> <p>THE MEADOWS</p>	<p>MULLINS, LLC</p> <p>ENGINEERING & SURVEYING</p> <p>111 GREEN STREET</p> <p>HUNTSVILLE, ALABAMA 35891</p> <p>256-451-4821</p>	<p>PROJECT</p> <p>SAINT SEWER EASEMENT</p>	<p>DATE: 10/1/03</p> <p>BY: [Signature]</p> <p>CHECKED BY: [Signature]</p> <p>SCALE: 1"=100'</p>
			<p>SHEET NUMBER</p> <p>1</p>